

BANKSTON GRONNING O'HARA, P.C.
Attorneys at Law
601 W. 5th Avenue, Suite 900
Anchorage, Alaska 99501
Tel. (907) 276-1711 - Fax (907) 279-5358
www.bankston.to

Jon T. Givens, Esq.
Bankston Gronning O'Hara, P.C.
601 West 5th Avenue, Suite 900
Anchorage, Alaska 99501
(907) 276-1711 (telephone)
(907) 279-5358 (fax)
wbankston@bankston.to

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

| | | |
|------------------------------|---|---------------------------|
| ALASKA RENT-A-CAR, INC., |) | |
| an Alaska Corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| CENDANT CORPORATION, et al., |) | |
| |) | |
| Defendants. |) | Case No. 3:03-cv-29 [TMB] |

MEMORANDUM IN SUPPORT OF
MOTION ON SHORTENED TIME ON MOTION
TO CLARIFY OR MODIFY PROTECTIVE ORDER¹

On August 18, 2006, in their oppositions defendants interjected the alleged opinions of licensees on whether or not the joint sales force of Avis and Budget should be

¹ The motion to clarify or modify protective order seeks to clarify Alaska Rent-A-Car can share confidential information: (1) with licensee/witnesses (2) with parties to a joint defense agreement, and (3) with government agencies. Only the first item needs an expedited ruling, but as they are related issues the Court may wish to address them together.

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separated.² On August 21, 2006, Alaska Rent-A-Car informed counsel for defendants of its intention to share confidential information including depositions, Corporate Pricing Approval Forms ("CPAF") and contracts regarding Avis and Budget with licensees to seek affidavits for its replies.³ In response on August 21, 2006, defendants threatened counsel for plaintiff that providing information to other licensees would be contempt of the protective order in this case and constitute tortious interference with contract.⁴

Alaska Rent-A-Car's reply in support of its motion for summary judgment is due on or before September 25, 2006.⁵ If briefed pursuant to the ordinary deadlines, the motion would not be ripe for consideration by the Court until September 17, 2006. Alaska Rent-A-Car desires to know on or before September 15, 2006, whether it will be able to share the information with licensees so that there will be an adequate opportunity to provide the information and obtain affidavits in advance the September 25, 2006, deadline for filing a reply. Alaska Rent-A-Car desires to obtain the information in adequate time to avoid delaying further the briefing schedule which has already been delayed. In fact Alaska Rent-A-Car prefers to file its replies prior to the September 25, 2006, deadline.

DATED this 22nd day of August, 2006.

BANKSTON GRONNING O'HARA, PC
 Attorneys for Plaintiff Alaska Rent-A-Car, Inc.

By: s/Jon T. Givens
 601 W. 5th Avenue, Suite 900
 Anchorage, Alaska 99501
 Phone: (907) 276-1711
 Fax: (907) 279-5358
 E-mail: jgivens@bankston.to
 AK Bar #9011072

² See Exhibit 1, Docket 215 (Defendants' Opposition to Plaintiff's for Partial Summary Judgment on Counts I and II and Breach of the Implied Covenant, at Exhibit FF Lambert Affidavit at 5, ¶ 12).

³ See Exhibit 2, August 21, 2005, email at 1:25 p.m. Alaska Daylight Savings Time.

⁴ See Exhibit 2, August 21, 2006, email at 1:26 p.m. Alaska Daylight Savings Time.

⁵ The proposed order has briefing deadlines suggested by Alaska Rent-A-Car.

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2006 a copy of foregoing Memorandum in Support of Motion to Shortened Time On Motion to Clarify or Modify Protective Order was served electronically on Diane F. Vallentine and John F. Dienelt and on

Barry M. Heller
DLA Piper Rudnick Gary Cary US LLP
1200 Nineteen Street NW
Washington, DC 20036-2430

by regular U.S. Mail

s/Jon T. Givens